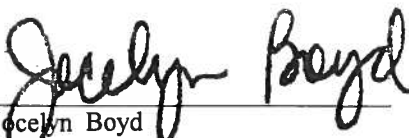


BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2017-348-W

| | | | |
|--------|--|---|--------|
| IN RE: | William A. Byrd, Sr., Complainant/ Petitioner |) | |
| | |) | |
| | v. |) | NOTICE |
| | |) | |
| | The City of Columbia, |) | |
| | Defendant /Respondent |) | |

TO: THE ABOVE NAMED DEFENDANT/RESPONDENT

PLEASE TAKE NOTICE that you are hereby required, pursuant to 10 S. C. Code Ann. Regs. 103-826 and 103-830 of the Commission's Rules of Practice and Procedure, to answer the allegations contained in the Complaint/Petition filed herein, a copy of which is herewith served upon you, and further to serve a copy of your Answer to said Complaint/Petition upon the *Public Service Commission of South Carolina, Attn: Clerk's Office, 101 Executive Center Drive, Columbia, South Carolina 29210; the Complainant/Petitioner; and the Office of Regulatory Staff* and to file your Answer with certification of service with the Public Service Commission at the address below; with the Complainant/Petitioner; and with the Office of Regulatory Staff within thirty (30) days of receipt of the Complaint/Petition, exclusive of the day of such service, and if you fail to answer the Complaint/Petition within the time aforesaid, the Complainant/Petitioner may apply to the Commission for the relief demanded in the Complaint/Petition.



Jocelyn Boyd
Chief Clerk & Administrator
Public Service Commission of SC
101 Executive Center Drive, Suite 100
Columbia, SC 29210

11/22/17

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF
SOUTH CAROLINA**

DOCKET NO. 2017-348-W

IN THE MATTER OF:

William A. Byrd, Sr.
v.
The City of Columbia

)
)
)

CERTIFICATE OF SERVICE

U.S. Postal Service

I, Colanthia B. Alvarez, do hereby certify that I have on the date indicated below served the following named individual(s) with one (1) copy of the Complaint/Petition and one (1) copy of the 30 Day Notice by Registered U.S. Certified Mail Restricted Delivery, with sufficient postage attached and return address clearly marked.

PARTIES SERVED:

The City of Columbia
Post Office Box 14729217
Columbia, South Carolina 29217

I, Colanthia B. Alvarez, do hereby certify that I have on the date indicated below served the following named individual(s) with one (1) copy of the Complaint/Petition one, (1) copy of the 30 Day Notice, Notice of Hearing and Prefile Testimony Letter by Electronic Service via PSC Docket Management System.

PARTIES SERVED:

Teresa Wilson
City of Columbia
Title: City Manager
Post Office Box 147
Columbia, SC 29217

Erika D. Moore
City of Columbia
Title: City Clerk
1737 Main Street
Columbia, SC 29217

Jeffrey M. Nelson, Esquire
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia South Carolina 29201

The Complainant/Petitioner was served a copy of the 30-Day Notice and Notice of Hearing and Prefile Testimony Letter by certified mail:

William A. Byrd, Sr.
106 Larkspur Road
Columbia, SC 29212

Clerk's Office
Public Service Commission of South Carolina

By: Colanthia B A Alvarez
Colanthia B. Alvarez

Columbia, South Carolina
November 22, 2017



***The Public Service Commission
State of South Carolina***

COMMISSIONERS

Swain E. Whitfield, Fifth District

Chairman

Conner H. "Randy" Randall, Third District

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G. O'Neal Hamilton, Seventh District

November 21, 2017

Jocelyn Boyd
Chief Clerk/Administrator
Phone: (803) 896-5133
Fax: (803) 896-5246

Clerk's Office
Phone: (803) 896-5100
Fax: (803) 896-5199

William A. Byrd, Sr.
106 Larkspur Road
Columbia, SC 29212

**RE: Docket No. 2017-348-W - William A. Byrd, Sr., Complainant/Petitioner v.
The City of Columbia, Defendant/Respondent**

Dear Mr. Byrd:

This office has received your complaint, which has been assigned the above referenced docket number. This docket will be processed as soon as possible.

Please be advised that any party appearing before the Public Service Commission of South Carolina must be represented by an attorney. **HOWEVER, AN INDIVIDUAL PERSON MAY APPEAR ON HIS OR HER OWN BEHALF IN ORDER TO REPRESENT HIMSELF OR HERSELF IN ANY HEARING OR MATTER BEFORE THE COMMISSION.** If an attorney who is not licensed to practice law in South Carolina wishes to represent a party before the Commission, then he or she must be accompanied by an attorney admitted to practice in South Carolina. Your attention is directed to R. 103-804 (t) of the Rules of Practice and Procedure of the Commission regarding representation. **PLEASE UNDERSTAND THAT THE ATTORNEY ADMITTED TO PRACTICE IN SOUTH CAROLINA IS RESPONSIBLE FOR BEING KNOWLEDGEABLE ABOUT THE SOUTH CAROLINA COURT RULES AND SOUTH CAROLINA STATUTES, INCLUDING THOSE GOVERNING PRO HAC VICE ADMISSION.**

If you have any questions relative to this docket, please call the Commission at (803) 896-5100.

Very truly yours,

Daphne B. Duke
Clerk's Office

cc: Office of Regulatory Staff
Teresa Wilson, City Manager
Erika D. Moore, City Clerk

Duke, Daphne

Cert of Service

From: Duke, Daphne
Sent: Tuesday, November 21, 2017 2:02 PM
To: 'amosbyrd@aol.com'
Cc: Nelson, Jeff; 'tbwilson@columbiasc.net'; 'edmorre@columbiasc.net'; Duke, Daphne
Subject: Emailing: Complaint of Mr. Byrd - Shortcut
Attachments: Complaint of Mr. Byrd.PDF

Dear Parties of Record:

Please find attached the Complaint:

Docket # 2017-348-W
Opened On Tuesday, November 21, 2017
Industry Water
Summary William A. Byrd, Sr., Complainant/Petitioner v. The City of Columbia, Defendant/Respondent

Sincerely,
Daphne Duke
Public Service Commission of South Carolina

Your message is ready to be sent with the following file or link attachments:

Shortcut to: H:\My Documents\My OneTouch Archive\PDF Documents\Complaint of Mr. Byrd.PDF

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Easterling, Deborah

2017-348-W

From: Purvis, Melissa
Sent: Tuesday, November 21, 2017 12:31 PM
To: Easterling, Deborah; Duke, Daphne; Adams, Hope
Subject: FW: Lexington County PSC Problem
Attachments: William Byrd PSC Complaint.pdf; Re Response to City of Columbia complaint.pdf

From: William A. Byrd, P.E., C.S. [mailto:amosbyrd@aol.com]
Sent: Tuesday, November 21, 2017 10:16 AM
To: PSC_Commissioner.Elam <Commissioner.Elam@psc.sc.gov>
Subject: Lexington County PSC Problem

Elliot.

I'm a Lexington County long time resident. Our County has been battling the City of Columbia Water Dept. for decades. Lately these problems have become so large that over 200 people were complaining at a resent hearing in Columbia over the City's outrageous use of their water authortiy outside of the city limits.

I have attached a copy of a formal complaint I sent to the PSC for a hearing. I've also attached a pdf copy of a response from the Office of Regulatory Affairs. Which in summary says that the PSC can't regulate a municipal water authority.

My response is also contained in that email. I stated that the PSC does in fact have multiple legal positions to regulate the City of Columbia's water company. That myself and the County of Lexington in the Past have verified this authority exists. There is a lot of past history to this position I can share with you.

I am asking to make a formal presentation of my complaint to the PSC at its next meeting.

Please see what you can do to make this happen.
You can contact me at this email address or just call me at the below number.

Regards,

Bill

William A. Byrd, P.E., C.S.
803-781-7112

RECEIVED

NOV 21 2017

PSC SC
MAIL / DMS



Individual Complaint Form

Date*: 11/13/2017

Complainant or Legal Representative Information: * Required Fields

Name * William A. Byrd, Senior

Firm (if applicable) _____

Mailing Address * 106 Larkspur Road

City, State Zip * Columbia, SC 29212-2047

Phone * 803-781-7112

E-mail amosbyrd@aol.com

Name of Utility Involved in Complaint: *

Type of Complaint (check appropriate box below.) *

- | | | | |
|---|--|--|---|
| <input type="checkbox"/> Billing Error/Adjustments | <input type="checkbox"/> Deposits and Credit Establishment | <input type="checkbox"/> Wrong Rate | <input type="checkbox"/> Refusal to Connect Service |
| <input type="checkbox"/> Disconnection of Service | <input type="checkbox"/> Payment Arrangements | <input type="checkbox"/> Water Quality | <input type="checkbox"/> Line Extension Issue |
| <input type="checkbox"/> Service Issue | <input type="checkbox"/> Meter Issue | | |
| <input checked="" type="checkbox"/> Other (be specific) <u>Unregulated Monopoly Water Service</u> | | | |

Have you contacted the Office of Regulatory Staff (ORS)? * ☒ Yes ☐ No Name of ORS Contact: Deborah Easterling

Concise Statement of Facts/Complaint: * (This section must be completed. Attach additional information to this page if necessary.)

The City of Columbia is operating an unregulated, for profit, monopoly water service outside of its municipal city areas, across multiple County Lines, multiple city limits, and using a completely different rate structure for its customers outside of the city limits. Than it charges in City Customers. Therefore, it is in violation of its municipal regulatory authority.

Customers in Lexington County are being charged much higher rates than their city counter parts, they have no way of controlling these rates as they have no vote on the rates, and the bills are paid directly to the City of Columbia to use as a tax base for the City. This is uncontrolled: "Taxation Without Representation." It is illegal and unconstitutional.

(CONTINUED ON THE ATTACHED PAGE)

Relief Requested: * (This section must be completed. Attach additional information to this page if necessary.)

Therefore, I am asking that the State's PSC regulate all City of Columbia Water Services that are not located within the City of Columbia's legally defined City Limits. And, to block the City of Columbia from using any and all threatening tactics against non-City of Columbia customers. And, to operate its business in a fair, equitable, legal and professional manner as required by the State's Public Service Commission of all regulated utilities in the State of South Carolina.

****I GIVE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA PERMISSION TO PUBLISH THIS COMPLAINT AND ITS CONTENTS ON THE COMMISSION'S WEBSITE (dms.psc.sc.gov), AND I UNDERSTAND SUCH INFORMATION MAY BE SUBJECT TO PUBLIC SCRUTINY OR FURTHER RELEASE.** ☒ Yes ☐ No

William A. Byrd, Senior
Complainant's Signature (MUST BE SIGNED, DO NOT PRINT)

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

VERIFICATION

I, William A. Byrd, Senior
Complainant's Name *

verify that I have read my complaint filed on 11/13/2017

Date *

and know the contents thereof, and that said contents are true.

William A. Byrd, Senior
Complainant's Signature * (MUST BE SIGNED, DO NOT PRINT)

Internal Use Only

| Processed By | Date |
|--------------|------|
| | |
| H.E. | |

Further, the City of Columbia has been abusive to Lexington County Citizen customers for years with its water rates, & water offering tactics. Example: people that are located next to the City's questionable "shoe string annexation," are threatened with water cutoff if they do not come inside the city limits. This is nothing short of blackmail, threats, and intimidation.

The City of Columbia Water Dept. has been operating in a very similar manner as the Carolina Water Service, which is now being investigated by the PSC for illegal billing, i.e., sending out random incorrect bills, not notifying customers when bills are being routinely averaged, and possibly using the same contractors to read meters in the same way as Carolina Water Service.

From: William A. Byrd, P.E., C.S. <amosbyrd@aol.com>
To: ccampbe <ccampbe@regstaff.sc.gov>
Subject: Re: Response to City of Columbia complaint
Date: Tue, Nov 21, 2017 9:51 am

Chad,

I've asked to appear before the PSC with this complaint.

It is my opinion, and in the past the County of Lexington's opinion, that this municipal protection does not extend outside of the city limits.

That the PSC has authority over any and all monopoly utilities that operate unregulated thru out the State of SC. This includes municipalities that operate outside of their borders, that operate across juristitutional boundaries, i.e., city limits, county lines, etc., and in particular offer different rate structures for in city vs out of city customers.

Further, by having the funds paid directly to a City for it's general fund, this is a form of taxation without representation which is Federally Unconstitutional.

Also, when the service is used to extort, black mail and do other criminal violations that are not allowed by other regulated utilities; then that utility, i.e., the City of Columbia Water Department, is in violation of Federal Racketeering RICO Act.

I expect to be granted an oppourtuny to present this to the PSC formally.

Regards,

William A. Byrd, P.E., C.S.

-----Original Message-----

From: Campbell, Chad <ccampbe@regstaff.sc.gov>
To: amosbyrd <amosbyrd@aol.com>
Sent: Tue, Nov 21, 2017 9:29 am
Subject: Response to City of Columbia complaint

Dear Mr. Byrd:

The South Carolina Office of Regulatory Staff ("ORS") has reviewed the attached complaint you filed concerning the water service you receive from the City of Columbia. The complaint was forwarded to the ORS from the Public Service Commission ("PSC"). In your complaint, you reference outside-city water rates and request the PSC regulate all City of Columbia water services not located within the city limits. This letter is to advise you that ORS has no jurisdiction to investigate your complaint concerning the water service provided by the City of Columbia.

The ORS, upon creation as a state agency, was charged with specific and definite duties and responsibilities. The ORS has been authorized by the law to inspect or investigate matters involving public utilities that are within the jurisdiction of the Public Service Commission of South Carolina ("PSC"). Your complaint pertaining to a dispute with a municipal water system is not a matter over which the PSC and ORS have any jurisdiction.

South Carolina law prohibits the ORS and the PSC from regulating or interfering with utilities owned or operated by or on behalf of any municipality. S.C. Code Ann. Section 58-5-30 (2015) provides as follows:

Except as provided in Article 23, Chapter 9 of Title 58, nothing contained in Articles 1, 3, and 5 of this chapter shall give the commission or the regulatory staff any power to regulate or interfere with public utilities owned or operated by or on behalf of any municipality or regional transportation authority as defined in Chapter 25 of this title or their agencies.

This prohibition of the ORS and the PSC regulating a water utility owned or operated by or for a municipality extends to investigating a consumer complaint. Therefore, the ORS is not allowed to investigate your complaint concerning the City of Columbia water utility.

For assistance, you may consider contacting local elected officials in your area.

Should you have any questions concerning this letter or require further information, please do not hesitate to contact me via e-mail at ccampbe@regstaff.sc.gov or direct line 803-737-5194.

Sincerely,

Chad Campbell
Consumer Services
Office of Regulatory Staff

City Manager**Ms. Teresa Wilson**

Served
Manager & Clerk



As a municipal trailblazer, City Manager Teresa Wilson leads the executive team for South Carolina's capital city. Columbia is a fast-paced city that is growing and developing on a daily basis, but City Manager Teresa Wilson is up to the task and she is focused on taking the city's operations to the next level. On a daily basis, she works diligently to address the needs of residents in the community, while also focusing on public safety and economic development initiatives. Teresa Wilson is a proven leader and has hands on experience working with the business community to develop projects that will be catalysts for future economic growth.

Prior to her role as Columbia's chief executive officer, Wilson served in various professional capacities including her role as the Government and Community Relations Coordinator for the University of South Carolina's Office of the President. When she transitioned into municipal government, Wilson served as the Chief Lobbyist and Director of Governmental Affairs for the City of Columbia. She was later named the City of Columbia's Assistant City Manager for Community Programs, Economic Development and Government Services. Wilson's leadership was key in a number of groundbreaking initiatives including transforming Columbia's Community Development department into a nationally recognized model organization and reducing the city's Commercial Revolving [Loan](#) Fund's default rate from 29% to 4% in just one fiscal year.

She and her team led Downtown dramatic rebirth through projects like the highly successful 2012 Facade [Grant Program](#) which leveraged roughly \$425,000 in federal CDBG funds to create over \$6.1 million in private Downtown investment and, working with departments across the city, she has helped [supplement](#) vital services like public safety by securing tens of millions in grant dollars.

Wilson's experience has provided her with a special understanding of how economic development impacts the financial stability of the community through job creation, support of the local economy and a myriad of emerging business ventures.

City Manager Teresa Wilson's business and management philosophy is focused on the "Build Columbia" strategic framework, which emphasizes the need to "Run, Grow and Transform" our city in an efficient and effective manner in order to yield a productive business and financial model for the City of Columbia's operations. During her tenure as Columbia's City Manager, she has implemented and overseen numerous initiatives that are focused on making the city more efficient and more effective for citizens and business owners.

Enhancing the quality of life in Columbia is a primary focus for City Manager Wilson and her commitment was aptly displayed during the process to identify and select a strong leader to transform the Columbia Police Department. Public safety, which includes fire protection and emergency services, is at the core of not only the stability of neighborhoods, but also the continued success of the business community. Code enforcement operations have also been merged into the police department to solidify the process for maintaining clean, safe communities and hospitality districts.

In addition, Wilson hired the City of Columbia's first official Chief Financial Officer in order to assure that the fiscal foundation of the city remains strong and continues to sustain the multiple services that are critical to taxpayers. This important hire has yielded a 2014 Government Finance Officers Association award, which is an accomplishment that has not been bestowed on

ass liaison function within the
communications and relationships with
national basis. The focus on
ment of a business retention plan
districts. Her focus on
resulted in new homes being built
itive [loans](#) for new homeowners.
the platform for strengthening

Wilson has not abandoned the
likes pride in attending
mentor to youth and addressing

Her leadership of the City of Columbia was never more evident than during the historic flood of October 2015. The entire city rallied together and implemented operations on a 24 hour basis in order to meet the needs of citizens who were in dire straits. The catastrophic path of the flood

On a personal basis, City Manager Teresa Wilson believes in servant leadership and collaboration. She partners and encourages her staff to collaborate with Midlands area governments, as well as colleges and universities, and many local organizations including the Columbia Urban League, the Homebuilders Association, the Chamber of Commerce, neighborhood and hospitality associations and a host of others. Wilson has also completed the Senior Executive Institute at the University of Virginia Darden School of Business and is an active member of ICMA, the International City/County Management Association. Wilson is a member of Gethsemane Baptist Church, Delta Sigma Theta Sorority, Inc., Junior League and the Columbia Chapter of Jack & Jill of America. She has received numerous accolades, including being named one of Columbia's 2008 "Top 20 Under 40" Business Professionals, one of Columbia Business Monthly's "50 Most Influential People in 2011 and 2016" and one of Southeast [Small Business](#) Magazine's "Top Women of Influence".

City Manager Teresa Wilson is the daughter of Dr. and Mrs. Steve and Teresa H. Wilson, and the proud mother of a daughter, Teresa Alexandria "Alex" Florence. Wilson recently became engaged to Mr. William Reginald Brice.

City Manager Teresa Wilson

(803) 545-3026

tbwilson@columbiasc.net

[City of Columbia Organizational Chart](#)

[Monthly Spotlight Reports](#)

[Build Columbia Overview](#)

[City Manager's Statements](#)

[City Manager's Updates](#)

[Photo Gallery](#)

City Manager

City Manager

[Monthly Spotlight Reports](#)

[City Manager's Statements](#)

[City Manager's Updates](#)



We Are Columbia

Together we will build a world-class city

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[Citizen Alerts](#)

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City Gallery



[View photos from City Events](#)

Social Media

11/21/2017

:: Welcome to the City of Columbia

Community Development
Employment



Parks/ Wellness
Neighborhoods



Official Website of the City of Columbia, South Carolina... © 2017 - All Rights Reserved.
Website Development - The InDesign Firm.

City Clerk

For Municipal Court inquiries, please call (803)545.3150, email pehawkins@columbiasc.net or visit <http://www.columbiasc.net/municipal-court>.

Boil Water Advisory | SC Criminal Justice Academy, 5400 Broad River Rd.

The Municipal Clerk is the oldest of public servants in local government, along with the tax collector.

The early keepers of archives were often called "Remembrancers" and before writing came into use, their memory served as the public record. Over the years, Municipal Clerks have become the hub of government, the direct link between the citizens and government.

The Columbia City Clerk attends all meetings of City Council and records official actions, attests and certifies to the accuracy of documents executed by Council and coordinates all general and special election activities.

This office is also responsible for ensuring that City Council, City staff and interested citizens are aware of matters by preparing and publishing agendas and approved minutes.

Office Personnel

Erika D. Moore

City Clerk

edmoore@columbiasc.net

Niki Daniels

Assistant City Clerk

sndaniels@columbiasc.net

Contact Information:

1737 Main Street

Columbia, South Carolina 29201

Post Office Box 147

Columbia, South Carolina 29217

E-mail: cityclerk@columbiasc.net

Phone: (803)545.3045

Fax: (803)255.8936

Hours: Monday through Friday

8:30 a.m. until 5:00 p.m.

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

CLERK'S OFFICE

NOTICE OF HEARING

DOCKET NO. 2017-348-W

William A. Byrd, Sr., Complainant/Petitioner v. The City of Columbia, Defendant/Respondent

PLEASE TAKE NOTICE that a hearing on the above matter, pursuant to 10 S.C. Code Ann. Regs. 103-817, has been scheduled to begin **on Wednesday, January 10, 2018, at 10:30 a.m.**, before the Commission in the Commission's Hearing Room at 101 Executive Center Drive, Suite 100, Saluda Building, Columbia, South Carolina 29210.

For the most recent information regarding this docket, including changes in scheduled dates included in this Notice, please refer to www.psc.sc.gov and ***Docket No. 2017-348-W***.

Persons seeking information about the Commission's procedures should contact the Commission at (803) 896-5100 or visit its website at www.psc.sc.gov.

11/22/17



The Public Service Commission State of South Carolina

Jocelyn Boyd
Chief Clerk/Administrator
Phone: (803) 896-5133
Fax: (803) 896-5246

COMMISSIONERS
Swain E. Whitfield, Fifth District
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Vice Chairman
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Elliott F. Elam, Jr., Second District
Elizabeth B. "Lib" Fleming, Fourth District
Nikiya "Nikki" Hall, Sixth District
G. O'Neal Hamilton, Seventh District

Clerk's Office
Phone: (803) 896-5100
Fax: (803) 896-5199

November 22, 2017

IN RE: DOCKET NO. 2017-348-W- William A Byrd, Sr., Complainant/Petitioner v. The City of Columbia,
Defendant/ Respondent

TO: ALL PARTIES OF RECORD
Pursuant to 10 S.C. Code Ann. Regs. 103-845:

1. **All Other Parties of Record and the Office of Regulatory Staff (ORS)** must prefile with the Commission 1 copy of direct testimony and exhibits of the witnesses they intend to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before **December 22, 2017** (must be post-marked on or before this date).
2. The **Applicant** filing **Rebuttal Testimony** must prefile with the Commission 1 copy of the testimony and exhibits of the witnesses it intends to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before **December 29, 2017** (Rebuttal testimony and exhibits must be in the offices of the Commission and in the hands of the parties on this date).
3. **All Other Parties of Record and the ORS** filing **Surrebuttal Testimony** must prefile with the Commission 1 copy of the testimony and exhibits of the witnesses they intend to present and serve the testimony and exhibits of the witnesses on all Parties of Record on or before **January 3, 2018** (Surrebuttal testimony and exhibits must be in the offices of the Commission and in the hands of the parties on this date).

Please be advised that failure to comply with the instructions contained herein could result in your proposed witnesses' testimony and exhibits being excluded in the subject proceeding. Additionally, please note that failure to comply with the above on or before the dates indicated may result in the DISMISSAL of your pleading.

Sincerely,

Clerk's Office